



Entered on Docket
October 27, 2011

Bruce T. Beesley

Hon. Bruce T. Beesley
United States Bankruptcy Judge

LAW OFFICES OF AMY N. TIRRE

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Attorneys for Senior Lender
U.S. Bank National Association, a national banking association,
as successor-in-interest to the Federal Deposit Insurance Corporation,
receiver for California National Bank

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
CAVIATA ATTACHED HOMES, LLC,
Debtor.

Case No. 11-52458

Chapter 11

**ORDER GRANTING MOTION TO
DISMISS CHAPTER 11 CASE AND
DENYING MOTION FOR RELIEF FROM
STAY**

Hearing Date: October 7, 2011
Hearing Time: 2:00 p.m.

U.S. Bank National Association, a national banking association, as successor-in-interest to the Federal Deposit Insurance Corporation, receiver for California National Bank ("Senior Lender"), by and through its attorneys, having filed its *Motion For Relief from Stay or, in the Alternative, to Dismiss Chapter 11 Case* on September 9, 2011 as Docket No. 46; the Motion and hearing having been properly noticed; Senior Lender, appearing through its counsel, Joshua D. Wayser, Esq., and Amy N. Tirre, Esq., and Debtor Caviata Attached Homes, LLC ("Debtor"), appearing through its counsel, Alan R. Smith, Esq.; and the Court having considered the pleadings and papers on file herein and the arguments of counsel and having stated its findings of fact and conclusions of law on the record in open court pursuant to Federal Rule of Civil Procedure 52, made applicable by Federal Rule of Bankruptcy Procedure 7052 and good cause appearing,

IT IS HEREBY ORDERED that:

- (1) The Motion to Dismiss is hereby GRANTED; and
- (2) The Motion for Relief from the Automatic Stay is DENIED as moot.

Submitted by:

LAW OFFICES OF AMY N. TIRRE,
A Professional Corporation

By: /s/ Amy N. Tirre
AMY N. TIRRE, ESQ.

Counsel for U.S. Bank National Association

APPROVED/~~DISAPPROVED~~

By: /s/ Alan R. Smith
ALAN R. SMITH, ESQ.

Counsel for Debtor Caviata Attached Homes, LLC

ALTERNATIVE METHOD RE: RULE 9021:

In accordance with Local Rule 9021, counsel submitting this document certifies as follows:

- ☐ The Court has waived the requirement of approval under LR 9021.
- ☐ This is a chapter 7 or 13 case, and either with the motion or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved or failed to respond to the documents]:
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- ☐ This is a chapter 9, 11 or 15 case, and either with the motion or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved or failed to respond to the documents]:
 - ALAN R. SMITH- Approved
- ☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

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